

TITLE 19. PUBLIC SAFETY
DIVISION 2. OFFICE OF EMERGENCY SERVICES
CHAPTER 5. STATE ASSISTANCE FOR FIRE EQUIPMENT ACT

§ 2800. Definitions.

For the purposes of these regulations:

(a) "Allowed Expenses" means those expenses incurred by the Office as a direct result of having to repossess apparatus or equipment, hold it, prepare it for sale, and sell it to another local agency.

(b) "Applicant" means any local agency as defined in Government Code Section 8589.10(e) which has submitted a completed "Application to Purchase Fire Vehicle" with the Office.

(c) "Application" means an "Application to Purchase Fire Vehicle" published by the Office.

(d) "Director" means the Director of the Office of Emergency Services.

(e) "Firefighting Apparatus and Equipment" means any vehicle and its associated equipment which is designed and intended for use primarily for fire fighting, as defined in Government Code Section 8589.10(c).

(f) "Information System" means a system which identifies firefighting apparatus and equipment available for acquisition, as well as local agencies which are interested in acquiring firefighting apparatus and equipment.

(g) "Interest Rate" means a rate of interest which shall not exceed one percent less than the rate earned by the Pooled Money Investment Board (Account) on the date the contract is executed.

(h) "Local Agency" means any city, county, special district, or any joint powers agency, composed exclusively of those agencies, which provides fire suppression services. "Local Agency" also includes a fire company organized pursuant to Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code.

(i) "Office" means the Office of Emergency Services.

(j) "Resale Contract" means a statement of mutual agreement which, when cosigned by authorized agents of the Office and the local agency, is deemed a valid, enforceable agreement. Resale Contracts are published by the Office.

(k) "Rural Area" means territory which is outside of any urbanized area designated by the United States Bureau of the Census from the 1980 Federal Census.

Note: Authority cited: Section 8589.19(a), Government Code. Reference: State Assistance for Fire Equipment Act (Title 2, Division 1, Chapter 7, Article 5.5 Sections 8589.8-8589.22, Government Code) and Section 16481.1, Government Code.

§ 2810. Resale Program -Types of Firefighting Apparatus and Equipment.

(a) Vehicles -The Office will only sell, firefighting vehicles with a minimum water tank capacity of 400 gallons and a minimum pumping capacity of 250 gallons per minute.

§ 2810. Resale Program -Types of Firefighting Apparatus and Equipment. (Continued)

(b) Equipment -Any type of equipment which is designed and intended for use primarily for firefighting purposes or which is affixed to or carried upon the vehicles described in section (a) above, may be sold through the resale program, except any type of personal protective breathing apparatus.

(1) Firefighting equipment may, but need not be, affixed to or carried upon a fire vehicle at the time of sale.

Note: Authority cited: Section 8589.19(a) and (b)(1), Government Code. Reference: Sections 8589.10(c), 8589.11, 8589.13(a), 8589.16, 8589.17, 8589.18 and 8589.19(b)(1), Government Code.

§ 2815. Repair and Refurbishment of Apparatus and Equipment.

(a) The Office may contract with Prison Industry Authority or with any other public or private sector entity for the repair and refurbishment of used firefighting apparatus and equipment.

Note: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.11, Government Code.

§ 2820. Time, Format and Manner for Submitting Applications.

(a) The Office will establish an annual 30-day application period in which local agencies may apply for a resale contract.

(b) Local agencies will be notified by letter (with an "Application to Purchase Fire Vehicle" attached), at least 30 days prior to the beginning of the application period, of the dates of the application period, the deadlines for submitting applications and a description of the apparatus and equipment being offered for sale.

(c) All applications received by the Office must be complete and postmarked no later than the last day of the application period. Any application received by the Office which is postmarked after the close of the application period will be held on file for the next annual application period.

(d) A completed application mailed to the Office by a local agency confers no commitment on either the agency or the Office to purchase or sell firefighting apparatus or equipment.

(e) All completed applications received by the Office during the application period will be evaluated by Office staff and ranked in accordance with the following criteria:

(1) Applicant's demonstrated need for primary response firefighting apparatus and equipment:

(2) Applicant's ability to adequately operate and maintain the firefighting apparatus and equipment; and

(3) Applicant's ability to obtain outside financing for the purchase of the firefighting apparatus and equipment.

(f) All applicants will be notified of their rank by the Office within 60 days after the close of the application period.

§ 2820. Time, Format and Manner for Submitting Applications. (Continued)

(g) Applicants will have 14 days from the date they are notified of an offer to view and test the equipment and either accept or reject the offer made to them by the Office. If an applicant does not accept the offer by 5:00 p.m. on the fourteenth day following receipt of notification of the offer, the offer will be deemed revoked by the Office.

(h) Should a local agency decline to accept an offer made by the Office, the Office will notify other local agencies by descending order of rank. This process will continue until the offer is accepted or the applicant list is exhausted.

(i) The Office will permit a local agency to participate in the resale program even if the agency has failed to comply with this Section, if the local agency:

- (1) Loses its only primary response firefighting vehicle, and;
- (2) Lacks sufficient resources to immediately replace the vehicle, and;
- (3) the loss of the vehicle creates a direct threat to their life or property; and;
- (4) A majority of the Office's Fire and Rescue Service Advisory Committee approves the resale contract based on the above factors.

Note: Authority cited: Section 8589.19(a) and (b)(3), Government Code. Reference: Sections 8589.19(b)(3), Government Code.

§ 2825. Resale Contracts to Local Agencies.

(a) Only local agencies which are located in or serving rural areas will be eligible for financing through the Office.

(b) All non-rural (i.e.; urban) local agencies may still participate in the resale program but these agencies will not be permitted to finance their purchase through the Office.

(c) Local agencies will be eligible to purchase only one firefighting vehicle per year, unless there are no other interested buyers. If there are no other interested buyers and the Office still has additional fire vehicles available for sale, the Office may, at its discretion, sell another firefighting vehicle to a local agency.

(d) Prior to entering into a resale contract, the Office shall require the local agency representative to submit a resolution from its governing body which states that the local agency representative has been vested with authority to bind the local agency in contract.

Note: Authority cited: Section 8589.19(a) and (b)(2), Government Code. Reference: Section 8589.13, Government Code.

§ 2830. Interest Rate and Term of Contract.

(a) The interest rate on resale contracts will be calculated at one percent (1%) below the actual Pooled Money Investment Account interest rate on the date the contract is executed by and between the parties.

§ 2830. Interest Rate and Term of Contract. (Continued)

(b) The interest rate established on the date the contract is executed shall be a fixed rate of interest for the life of the contract.

(c) The maximum term of a resale contract financed through the Office is five (5) years. The maximum term of a renegotiated resale contract shall not exceed five (5) years from the date of execution of the original resale contract.

Note: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.13(b), Government Code.

§ 2835. Loan Amount and Down Payment.

(a) The maximum amount of any loan through the Office is \$10,000.

(b) The minimum down payment on any loan through the Office shall be ten percent (10%) of the total purchase price.

(c) Upon purchaser's request, and conditioned upon approval by the Office, purchaser may defer up to one-half (i.e.; 50%) of its minimum downpayment for a maximum of thirty (30) days. If purchaser requests a deferral, the amount purchaser pays to the Office upon execution of the contract will be considered a deposit and will be returned to the purchaser should purchaser fail to tender the balance of the downpayment (i.e.; the amount deferred) when it is due. Transfer of the apparatus or equipment to purchaser is contingent upon receipt and satisfaction (by the Office) of the deferred balance of the downpayment.

Note: Authority cited: Section 8589.19(a) and (b)(2), Government Code. Reference: Section 8589.19(b)(2), Government Code.

§ 2840. Information System -Types of Firefighting Apparatus and Equipment.

(a) Vehicles -Any vehicle which is designed and intended for use primarily as a firefighting vehicle may be included in the information system, except the following vehicles:

- (1) Emergency medical service vehicles;
- (2) Rescue vehicles;
- (3) Communications and command operations vehicles; or
- (4) Hazardous materials operations vehicles.

(b) Equipment -Any type of equipment which is designed and intended for use primarily for firefighting purposes or which is affixed to or carried upon the vehicles described in section (a) above, may be included in the information system, except any type of personal protective breathing apparatus.

Note: Authority cited: Section 8589.19(a), Government Code. Reference: Sections 8589.10(c) and 8589.14, Government Code.

§ 2850. Default -Renegotiation of Contract.

(a) A local agency will be considered by the Office to be in default if the agency fails to make any payment within thirty (30) days of the date the payment is due, or if a bankruptcy petition is filed by or against the agency, or if the agency fails to keep any other agreement contained in the resale contract.

(b) Should purchaser default under the terms of the resale contract, the Office will renegotiate purchaser's contract, provided purchaser submits a written request for renegotiation with the Office within 30 calendar days after purchaser's default.

(c) Should purchaser continue to default beyond the renegotiation period, or default a second time after purchaser's contract has been renegotiated, the Office will take possession of its security (apparatus and equipment) for resale to another qualified buyer.

Note: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.18, Government Code.

§ 2855. Repossession.

(a) The Office will repossess in accordance with Section 2850 above. Should the Office be forced to repossess, purchaser will be sent a notice. The notice will state that purchaser may redeem (buy back) the vehicle, and will also specify the amount required for redemption. Purchaser may redeem the vehicle up to the time the Office sells it or agrees to sell it. If the purchaser does not cure the default within this time frame, the vehicle will be sold. If the vehicle is sold, the money from the sale, less allowed expenses, will be used to pay the amount still owed on the original purchaser's contract. If there is any money left (i.e.; surplus), it will be paid to the original purchaser. If the money from the sale is not enough to pay off the contract and costs, the original purchaser must pay to the Office what is still owed on the contract.

(b) Should the Office be forced to repossess, the defaulting purchaser will not be allowed to finance another purchase through the Office for five (5) calendar years from the date of repossession.

Note: Authority cited: Section 8589.19(a), Government Code. Reference: Section 8589.18, Government Code.